

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF)	
THE SOUTH CENTRAL STATES, INC. FOR)	CASE NO.
REDUCED REGULATION OF INTRASTATE)	92-297
TELECOMMUNICATIONS SERVICES)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed November 20, 1992 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue and usage data and the customer list contained in the responses to Items 28(f) and 28(h) of the Commission's Order of November 6, 1992 on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

By Order of November 6, 1992, AT&T was directed to furnish the Commission certain information, including revenue and usage data and the customer list filed as responses to Items 28(f) and 28(h). By this petition, AT&T seeks to protect that information as confidential.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T seeks to preserve the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Competitors of AT&T could use the information sought to be protected to learn valuable market information which is not otherwise available and which could be used by competitors in marketing their services. The information would assist competitors in developing a profile of AT&T's services in this state and in identifying specific customers of specific high volume services. Therefore, disclosure of the information is likely to cause AT&T competitive injury and the information should be protected as confidential.

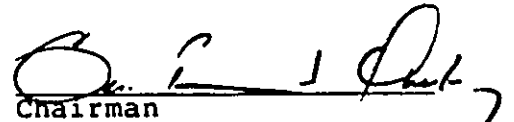
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue and usage data and the customer list filed in response to Items 28(f) and 28(h) of the

Commission's Order of November 6, 1992, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of December, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director